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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,841	07/20/2001	Hiroji Saito	9683/87	3103
79510	7590	08/20/2008	EXAMINER	
NTT Mobile Communications Network I/BHGL			BHATTACHARYA, SAM	
P.O. Box 10395			ART UNIT	PAPER NUMBER
Chicago, IL 60610			2617	
MAIL DATE		DELIVERY MODE		
08/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/889,841	SAITO ET AL.
	Examiner Sam Bhattacharya	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

**Status**

1) Responsive to communication(s) filed on 30 April 2008.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 18-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 18-23 and 31 is/are allowed.

6) Claim(s) 24-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki et al. (JP 10200493 A) in view of Pihl et al. (US 6,625,458).

Regarding claim 24, Iwasaki discloses a mobile communication terminal operative in conjunction with a mobile communication network, the mobile communication terminal including radio circuitry configured to receive transmissions which include only related information of the requested content item when the requested content item is the first content item and to receive transmissions including at least the requested content item when the requested content item comprises the second content item. (page 21, paragraph 59, lines 1-6); (page 26, paragraph 77, lines 1-3 and page 23, paragraph 67, lines 1-3); (page 23 paragraph 69, lines 1-9).

Iwasaki fails to disclose that the radio circuitry is configured to transmit a request for delivering information, the request specifying a requested content item which is a first content item or a second content item. However, this feature is taught by Pihl at col. 5, lines 27-45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Iwasaki by incorporating this teaching in Pihl for the purpose of allowing a user to have control over specifying a desired destination for the message.

Regarding claim 25, Iwasaki discloses that the radio circuitry comprises: a wireless communication unit to transmit the request and to receive the related information, and a tuner to receive broadcast waves of a broadcast of the first content item. See page 26, paragraph 77, lines 1-5.

Regarding claim 26, Iwasaki discloses that the wireless communication circuit is operative to receive a decryption key for the first content item as the related information when the requested content item comprises the first content item, the decryption key for decrypting the first content item received by the tuner. See page 21, paragraph 59, lines 1-6.

Regarding claim 27, Iwasaki discloses that the user interface is further operative to be actuated by the user to select a network address of a destination to which the selected information is to be delivered. See page 26, paragraph 77, lines 1-8.

Regarding claim 28, Iwasaki discloses that the radio circuitry is operative to transmit a request signal which includes identification information for the mobile communication terminal and information about the information is to be delivered selected by the user. See page 23, paragraph 68, lines 1-7.

Regarding claim 29, Iwasaki discloses that the radio circuitry is operative to transmit a request signal which further includes an address of a delivery management server. See page 23, paragraph 68, lines 1-7.

Regarding claim 30, Iwasaki discloses a user interface operative to prompt a user to select information to be delivered and to be actuated by the user to select the information to be delivered to the mobile communication terminal. See page 23, paragraph 68, lines 1-7.

***Allowable Subject Matter***

3. Claims 18-23 and 31 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the recited combinations of elements, including a delivery management server that, in response to a request for delivering information received from the mobile communication terminal, determines whether a requested content item comprises the first content item or the second content item stored in the database, and when the requested content item comprises the first content item, transmits only related information of the requested content item to the mobile communication terminal, and when the requested content item comprises the second content item, transmits at least the requested content item to the mobile communication terminal, as in claim 18; receiving from a user of the mobile communication terminal a selection of a requested content item, the requested content item which is stored in a remote database accessible over the mobile communication network, the requested content item being a first content item having a high frequency of requests or a second item having a lower frequency of requests, as in claim 31.

***Response to Arguments***

5. Applicant's arguments filed 4/30/08 have been fully considered but they are not persuasive.
6. Examiner respectfully disagrees with Applicant's arguments. Claim 24 does not recite determining whether the requested content item is a first or second item by a server, or determining whether a requested content is a content item having a high or low frequency of

requests. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, these limitations are not considered in the rejection of claim 24.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Primary Examiner, Art Unit 2617